

COMMISSIONERS APPROVAL

GRANDSTAFF

ROKOSCH

THOMPSON

CHILCOTT

DRISCOLL

PLETTENBERG (Clerk & Recorder)

Members Present..... Commissioner Carlotta Grandstaff,
Commissioner Jim Rokosch, Commissioner Alan Thompson, Commissioner Greg
Chilcott and Commissioner Kathleen Driscoll

Date.....September 9, 2008

Minutes: Beth Perkins

► The Board met for a public hearing for Gunshy II Major Subdivision. This is a
continuance from August 21st. Present were Planner Tristan Riddell, Planner Randy
Fifrick, Representative Gordon Sorenson, Attorney Kirby Christian and several citizens.

Commissioner Grandstaff called the hearing to order and requested any conflicts of
interest. Hearing none, she then requested the staff report.

Tristan presented the Staff Report as follows:

**GUNSHY RIDGE II (DBL LLC)
TWENTY-LOT MAJOR SUBDIVISION**

DRAFT STAFF REPORT FOR PLANNING BOARD

CASE PLANNER: Tristan Riddell

**REVIEWED/
APPROVED BY:** Renee Lemon

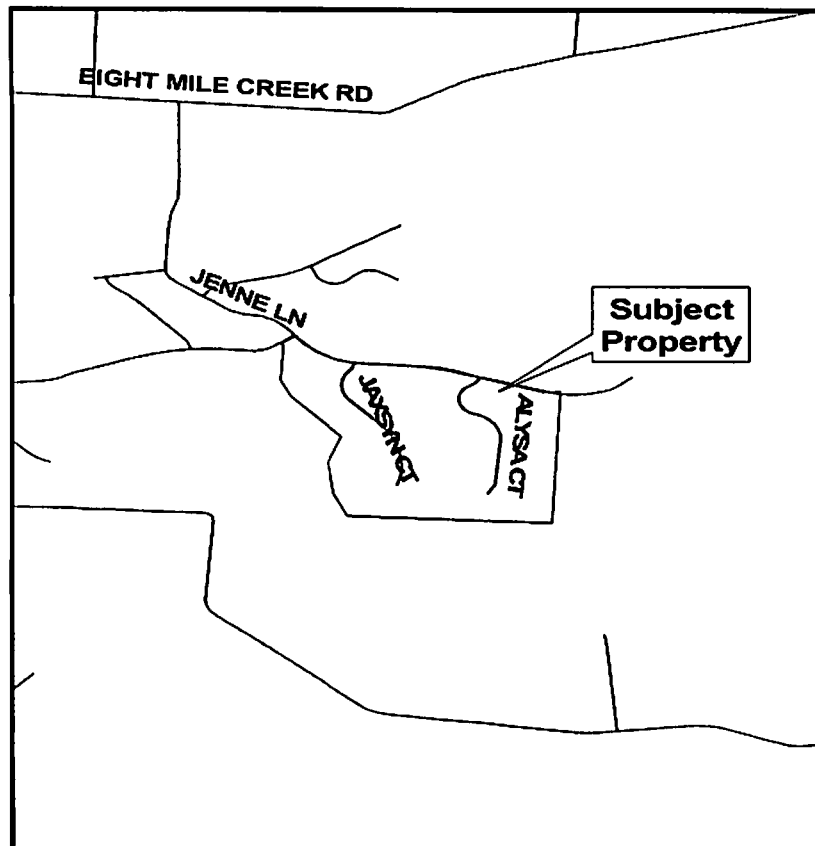
**PUBLIC HEARINGS/
MEETINGS:**

Planning Board Public Meeting 3:00 p.m.
July 16, 2008
BCC Public Hearing: 9:00 a.m. August 21, 2008
Deadline for BCC action (60 working days): September 25, 2008

SUBDIVIDER: DBL, LLC/Josh Gill
PO Box 2260
Renton, WA 98056-0260

REPRESENTATIVE: Gordon Sorenson Engineering
2610 Gunsight Court
Missoula, MT 59808

LOCATION OF REQUEST: The property is located east of Florence off Jenne Lane. (See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

LEGAL DESCRIPTION OF PROPERTY: A parcel, located in the SE $\frac{1}{4}$ of Section 9, T10N, R19W, P.M.M., Ravalli County, Montana.

APPLICATION INFORMATION: The subdivision application was determined complete on July 1, 2008. Agencies were notified of the subdivision and comments received by the Planning

Department not included in the application packet are Exhibits A-1 through A-10 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.**

LEGAL NOTIFICATION: A legal advertisement was published in the Ravalli Republic on Tuesday, March 11, 2008. Notice of the project was posted on the property and adjacent property owners were notified by regular mail postmarked July 3, 2008.

**DEVELOPMENT
PATTERN:**

Subject property	Vacant
North	Elk Run Minor Subdivision (Proposal has Preliminary Approval) and Gunshy Ridge Major Subdivision (Recorded Subdivision)
South	State lands
East	Rural Residential
West	Sandhill Ridge Major Subdivision (Variance was denied)

INTRODUCTION

Gunshy Ridge II is a twenty-lot major subdivision proposed on 63.78 acres. The proposal is for twenty (20) residential lots. Lots will be served by individual wells and septic systems. The applicant is proposing access via Eastside Highway, Eight Mile Creek Road, and Jenne Lane.

Staff recommends conditional approval of the subdivision proposal.

RAVALLI COUNTY PLANNING BOARD

JULY 16, 2008

**GUNSHY RIDGE II
TWENTY-LOT MAJOR SUBDIVISION**

RECOMMENDED MOTIONS

1. That the Gunshy Ridge II Major Subdivision be ***approved***, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. (*Staff Note: The Commissioners should include their decision on the parkland dedication as part of the motion.*)

PLANNING STAFF RECOMMENDED CONDITIONS FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture*)

Notification of Road Maintenance Agreement. Jenne Lane and the internal subdivision roads are not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road maintenance agreement for these roads was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)

Notification of Severe Soils. Within this subdivision there are areas of the property identified by the Natural Resources Conservation Service (NRCS) as potentially having soils rated as "very limited" for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat. Descriptions of the severe soils in question are included as exhibits to this document [the subdivider shall include the exhibits as attachments]. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety*)

2. Protective covenants for this subdivision shall be submitted with the following provisions:

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as deer, black bear, mountain lion, coyote, fox, raccoon and skunk in this subdivision and its commons areas. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Wildlife & Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native

vegetation that is less likely to suffer extensive feeding damage by deer.

- b. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- c. **Garbage** must be stored in secure bear-resistant containers or indoors to avoid attracting wildlife such as bears and raccoons. If stored indoors, garbage cans may not be set out until the morning of garbage pickup, and must be taken back indoors that day after garbage pickup.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to provide supplemental feed attractants if it results in a "concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed** is an attractant to bears. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of their owner(s), and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and/or livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets [and/or livestock]** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Permanent, outdoor barbecues grills are discouraged in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on the grill, lid, etc. can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as

deer and/or elk becoming entangled in the fence or injuring themselves when trying to jump the fence.

- j. **Compost piles** can attract skunks and bears and should be avoided in this subdivision. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Board of County Commissioners).

No-build/Alteration Zones for Steep Slopes. Within this subdivision there are no-build/alteration zones on slopes greater than 25%, as shown on the plat, to restrict building in areas with steep slopes. No new structure, with the exception of fences, may be constructed in these areas. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health & Safety*)

No-build/Alteration Zone for Natural Drainage Feature. Within this subdivision, there is a natural drainage feature along the western boundary of the property, as shown on the final plat. Healthy, naturally functioning drainage areas benefit wildlife and the natural environment. The following provisions apply to the area within 50 feet of the western property boundary from 50 feet south of the southern easement boundary for Heaven's Way to the southern property boundary, as shown on the final plat: (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment, Wildlife & Wildlife Habitat, and Public Health and Safety*)

- a. No new building or alteration is allowed.
- b. Only non-motorized access and use is allowed (except for certain maintenance needs such as weed spraying).
- c. Do not cut or remove live or dead vegetation, particularly shrubs and trees. Dead trees function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
- d. Do not plant lawns in this area. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
- e. If planting is planned for this area, the goal should be to re-establish native plant species appropriate to the site.

- f. In summary, allow this area to remain undisturbed. Do not modify unless such change would help return the area to a natural state.
- g. Wooded draws can be favored movement corridors for big game animals such as deer, bear, and mountain lion. Residents should exercise caution when using these areas.
- h. These riparian covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (Section 3-2-8(b)(v), RCSR, Effects on Natural Environment and Public Health and Safety)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. (Section 3-2-8(b)(v), RCSR, Effects on Public Health & Safety)

Control of Noxious Weeds. A noxious weed evaluation form has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Natural Environment)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The All Valley Fire Council has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

Access Requirements for Lots within this Subdivision. The All Valley Fire Council has adopted the Fire Protection Standards. All access roads, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an

all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire Department for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

Building Standards. The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Section 3-2-8(b)(v), RCSR, Effects on all six criteria*)

3. The subdivider shall include an RSID/SID waiver in a notarized document filed with the subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic

control signs. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)*

4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued address for the lots. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
5. Prior to the final plat approval, the subdivider shall provide a letter from the Florence Rural Fire Department stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection of each lot. Alternatively, the subdivider may provide evidence that \$500 per lot has been contributed to the Florence Rural Fire Department with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Florence Rural Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire Department for further information". *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
7. The subdivider shall submit a letter or receipt from the Florence-Carlton School District stating that they have received an amount (to be determined at the Commissioner hearing) per lot prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services)*
8. The subdivider shall submit an amount (to be determined at the Commissioner hearing) per lot to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)*
9. The applicants shall provide evidence that a Collection Box Unit (CBU) has been installed atop a concrete slab, in accordance with the Florence post office's standards, and that its installation has been approved by the Florence post office prior to final plat approval. Alternatively, the applicant shall provide evidence from the Florence Post Office that a CBU is not required for this subdivision. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)*
10. The no-build/alteration zones for slopes greater than 25% and for the natural drainage feature shall be shown on the final plat, as shown on the preliminary

plat. *(Section 3-2-8(b)(v), RCSR, Effects on Natural Environment and Public Health and Safety)*

11. The applicant shall work with the Florence-Carlton School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed off of Jenne Lane, a private road. The applicant shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the applicant shall complete the improvements prior to final plat approval. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety)*
12. The applicant shall provide a road maintenance agreement(s) for Jenne Lane that meets the provisions in Section 3-1-5(a)(xxxviii) of the RCSR prior to final plat approval. Since there is an existing road maintenance agreement for the portion of Jenne Lane leading to the Gunshy Ridge Subdivision and the Gunshy Ridge III Subdivision, the applicant shall submit documentation that Gunshy Ridge II has annexed into the existing road maintenance agreement(s). The applicant will need to provide an additional road maintenance agreement for the portion of Jenne Lane from Heavens Way to Alysa Court. This road maintenance agreement shall state that the other parcels which may have beneficial use of the portion of Jenne Lane from Heavens Way to Alysa Court shall be allowed to join as members of the agreement without the consent of the current members once connecting roads are developed within the easements. *(Prerequisites to Approval and Section 3-2-8(b)(v), Effects on Local Services)*
13. The applicant shall construct a minimum five-foot wide pedestrian trail from Lots 13 and 14 to the junction of Jenne Lane and Heavens Way. The trail shall be constructed using control density fill. *(Prerequisites to Approval and Effects on Public Health & Safety)*

FINAL PLAT REQUIREMENTS (Ravalli County Subdivision Regulations Section 3-4-4(a))

1. A statement from the project surveyor or engineer outlining how each final plat requirement or condition of approval has been satisfied shall be submitted with the final plat submittal.
2. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003) shall be submitted prior to final plat approval (One paper copy may be submitted for the first proofing.). The final plat shall conform to the preliminary plat decision. The following features are required on the Final Plat:
 - a) Project name
 - b) Title block
 - c) Certificate of registered owner – notarized

- d) Certificate of registered land surveyor with seal
 - e) Certificate of governing body approval
 - f) Signature block for Clerk and Recorder, preferably in lower right hand corner
 - g) Certificate of public dedication
 - h) Certificate of park cash-in-lieu payment
 - i) Other certifications as appropriate
 - j) North arrow
 - k) Graphic scale
 - l) Legal description
 - m) Property boundaries (bearings, lengths, curve data)
 - n) Pertinent section corners and subdivision corners
 - o) Names of adjoining subdivisions/certificates of survey
 - p) Monuments found
 - q) Witness monuments
 - r) Acreage of subject parcel
 - s) Curve data (radius, arc length, notation of non-tangent curves)
 - t) Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
 - u) Lots and blocks designated by number (dimensions/acreage)
 - v) Easements/rights of ways (location, width, purpose, ownership) for utilities, Jenne Lane (as proposed on the preliminary plat), and 60-foot wide public road and utility easements for all internal roads, as proposed on the preliminary plat
 - w) Dedication for public use (boundaries, area, purpose)
 - x) No-build/alteration zones for the slopes greater than 25% and within 50 feet of the western property boundary
 - y) No-ingress/egress zones
 - z) Water resources (rivers, ponds, etc.)
 - aa) Floodplains
 - bb) Irrigation canals including diversion point(s), etc.
 - cc) High-pressure gas lines
 - dd) Existing and new roads (names, ownership, etc.)
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
 4. Any variance decisions shall be submitted with the final plat submittal.
 5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
 6. The final plat review fee shall be submitted with the final plat submittal.
 7. A Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
 8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
 9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.

10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of the submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurer's Office for the payment of cash-in-lieu of parkland dedication, shall be submitted with the final plat submittal. *(Staff Note: Please submit appraisal report to the Planning Department. Staff will schedule a meeting with the BCC to determine whether or not the report is acceptable. Once the BCC has approves a report, the applicant can submit the funds to the County Treasurer's Office and provide a receipt to the Planning Department.)*
13. Evidence of a Ravalli County-approved road name petition(s) for each new road shall be submitted with the final plat submittal.
14. Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal.
15. Road certification(s) shall be submitted with the final plat submittal to provide evidence that applicable road standards have been met. *(Staff Note: A professional engineer's certification on the road plans and final approval from the Road Department shall meet this requirement.)*
16. Utility availability certification(s) shall be submitted with the final plat submittal.
17. Road/common access maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal.
18. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal
19. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
20. A copy of the letter sent to the appropriate school district(s) stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
21. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations shall be submitted with the final plat submittal.
22. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required, shall be submitted with the final plat submittal. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.) Following are specific improvements required for this subdivision:

- a) The applicant shall provide final approval from the Road Department that the extension of Jenne Lane and the internal roads meet the county standards in Chapter 5 of the RCSR.
 - b) The applicant shall install stop signs and road name signs at all intersections, as proposed on the preliminary plat, prior to final plat approval.
 - c) The applicant shall construct a bus shelter and/or turnout lane, if necessary, prior to final plat approval.
 - d) Installation of a Collection Box Unit for mail delivery, if necessary
 - e) The applicant shall install the water supply and flow requested by the Fire District unless a monetary contribution is chosen.
23. The applicant shall provide evidence that the pro rata share of the cost to improve the portion of Eight Mile Creek Road leading to the subdivision has been paid prior to final plat approval. (Section 5-4-5(d), RCSR)

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

- 1. Existing utilities are located within the easements for Jenne Lane. (Gunshy Ridge II Subdivision Application)
- 2. The internal road system will be located within a proposed 60-foot wide public road and utility easement. (Gunshy Ridge II Subdivision Application)
- 3. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

- 1. The property is proposed to be accessed via Eastside Highway, Eight Mile Creek Road, Jenne Lane, and the internal subdivision roads. (Map 1)
- 2. Eastside Highway is a State-maintained highway that provides legal and physical access.

3. Eight Mile Creek Road is a county-maintained road that provides legal and physical access. (Exhibit A, RCSR)
4. Jenne Lane is a privately-maintained road. The existing portion of the road has been confirmed by the Ravalli County Road and Bridge Department (RCRBD) as meeting County standards for this subdivision (Gunshy Ridge II Subdivision Application).
5. An existing 60-foot-wide public road and utility easement is provided along Jenne Lane, as recorded on the amended plat of Riverview Orchards, Block 6, Lot 6-A (AP 541015), and on the plats of the Gunshy Ridge, Gunshy Ridge II, Gunshy Ridge III, and Elk Run subdivisions. (Gunshy Ridge II Subdivision File)
6. The applicant is proposing to extend Jenne Lane from where it currently ends to the eastern boundary of the property and the internal roads to meet county standards. (Gunshy Ridge II Subdivision File)
7. The applicant has received preliminary approval of the road plans from the Road Department. (Exhibit A-1)
8. The applicant is proposing 60-foot wide public road and utility easements for the internal roads. (Gunshy Ridge II Subdivision Application)
9. *To ensure legal and physical access to the subdivision, the applicant shall meet the following requirements:*
 - *The applicant is required to pay the pro rata share of the cost to improve the portion of Eight Mile Creek Road leading to the subdivision to meet County standards. (Requirement 23)*
 - *The applicant shall construct the extension to Jenne Lane and the internal subdivision roads to meet county standards and obtain final approval from the Road Department. (Requirements 14, 15, 22)*
 - *The applicant shall provide for 60-foot wide public road and utility easements for all internal subdivision roads and for the portion of the easement for Jenne Lane that is within the Gunshy Ridge II Subdivision. (Requirement 2)*

Conclusion of Law

With the conditions and requirements of final plat approval, legal and physical access will be provided on Eastside Highway, Eight Mile Creek Road, Jenne Lane, and the internal road network.

- C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

Finding of Fact

The applicant shall be required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdividers prior to final plat approval (*Requirement 22*):

- Construction of the extension of Jenne Lane and the internal subdivision roads prior to final plat approval
- Installation of stop signs and road name signs at the intersections, as proposed on the preliminary plat, prior to final plat approval
- Construction of a bus shelter and/or turnout lane, if necessary, prior to final plat approval
- Installation of a Collection Box Unit for mail delivery, if necessary
- Provision of requested water supply and flow unless a monetary contribution to the Fire District is chosen

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that the improvements are installed.

- D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
 - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (iii) reserve and sever all surface water rights from the land.
2. There are no water rights associated with this property. (Gunshy Ridge II Subdivision Application)
3. Average lot size of the proposal is less than 5.0 acres. (Gunshy Ridge II Subdivision Application)

Conclusion of Law

As no water rights are present on the subject property, the subdivision is considered to have met these requirements.

- E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have**

been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii), the subdivider is required to establish ditch easements in the subdivision that:
 - (A) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
 - (B) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (C) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. There are no irrigation ditches on or within 300 feet of the property.
(Gunshy Ridge II Subdivision Application)

Conclusion of Law

As no irrigation infrastructure is present on the subject property, the subdivision is considered to have met these requirements.

E. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Findings of Fact

1. All lots within the subdivision are proposed for residential use. (Gunshy Ridge II Subdivision Application)
2. The subdivider has proposed cash-in-lieu of parkland dedication. (Gunshy Ridge II Subdivision Application)
3. In a letter dated May 21, 2008, Bob Cron of the Ravalli County park Board recommended that the applicant pay cash-in-lieu of parkland and in addition provide a five-foot wide asphalt pedestrian trail from Lots 13 and 14 to the junction of Jenne Lane and Heavens Way, as part of a transportation system for the safety of children and walking adults. (Exhibit A-2)
4. *The applicant is required to submit a copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of the submittal and a receipt from the County Treasurer's Office for the payment of cash-in-lieu of parkland dedication with the final plat submittal. (Final Plat Requirement 12)*
5. *The applicant shall construct a minimum five-foot wide asphalt pedestrian trail from Lots 13 and 14 to the junction of Jenne Lane and Heavens Way. (Condition 13)*

Conclusion of Law

With the acceptance of a cash-in-lieu payment, the parkland requirement will be met.

F. Overall Conclusion on Prerequisite Requirements

With the conditions and requirements of final plat approval, there is credible evidence that the subdivision application meets the prerequisite requirements.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The subdivision proposal meets the design standards in Chapter 5 of the RCSR. (Gunshy Ridge II Subdivision File)
2. This development proposal has followed the necessary application procedures and has been reviewed in compliance with Chapter 3 of the RCSR. (Gunshy Ridge II Subdivision File)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The requirements for the application and review of this proposed subdivision have been met.

B. Applicable zoning regulations.

Findings of Fact

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2193). The application complies with Resolution 2193.
2. The property is not within one of the voluntary zoning districts in Ravalli County. (Gunshy Ridge II Subdivision Application)

Conclusion of Law

This proposal complies with existing zoning regulations.

C. Existing covenants and/or deed restrictions.

Findings of Fact

There are no existing covenants on the property. (Gunshy Ridge II Subdivision Application)

Conclusion of Law

Compliance with covenants is not applicable.

D. Other applicable regulations.

Findings of Fact

1. Following are applicable regulations:

- Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
- Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
- Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
- Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
- Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)

2. *Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)*

Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed major subdivision on 63.78 acres will result in twenty lots that range in size from 2.00 acres to 23.64 acres. The property is located approximately 3 miles east of the community of Florence off Eight Mile Creek Road and Jenne Lane. (Gunshy Ridge II Subdivision Application)
2. The subject property is located in an area with a mix of residential and agricultural uses. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and 2005 Aerial Photography created by the National Agricultural Imagery Program, Gunshy Ridge II Subdivision Application)
3. There is no prime farmland or farmland of statewide importance on the property. (Gunshy Ridge II Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
4. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Common Tansy and Canadian Thistle were

present on the property. The subdivider has proposed a provision in the covenants that the owners of each lot control noxious weeds. (Gunshy Ridge II Subdivision Application)

5. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
6. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
 - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
 - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
 - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agriculture.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. The application states that there are no water rights associated with the property. (Gunshy Ridge II Subdivision Application)
2. There are no irrigation ditches/facilities within 300 feet of the proposal. (Gunshy Ridge II Subdivision Application)

Conclusion of Law

There will be minimal, if any, impacts on agricultural water user facilities.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire District

1. The subdivision is located within the jurisdiction of the Florence Rural Fire Department. (Gunshy Ridge II Subdivision Application)
2. The All Valley Fire Council, which includes the Florence Rural Fire Department, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire Department) that address access, posting of addresses, and water supply requirements. The Fire Council also

recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Exhibit A-3)

3. *The following conditions will mitigate impacts of the subdivision on the Florence Rural Fire Department:*
 - *Provisions shall be included in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
 - *The covenants shall include a recommendation that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Condition 2)*
 - *Prior to final plat approval, the subdividers shall provide a letter from the Florence Rural Fire Department stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for the additional lot. Alternatively, the subdividers may provide evidence that \$500 has been contributed to the Florence Rural Fire Department with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
 - *The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Florence Rural Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire Department for further information". (Condition 6)*

School District

4. The proposed subdivision is located within the Florence-Carlton School District. (Gunshy Ridge II Subdivision Application)
5. It is estimated that 10 school-aged child will be added to the Florence School District, assuming an average of 0.5 children per household. (Census 2000)
6. In a letter dated January 16, 2008, John McGee, Superintendent of the Florence-Carlton School District, stated that the School District is requesting a fee of \$10,418 per lot. This fee is based on an impact fee study. The County has yet to adopt impact fees. (Exhibit A-4)
7. The cost per pupil for one year in the Florence-Carlton School District, excluding capital costs, is \$6,686. (Exhibit A-5)
8. Taxes from new residents may not be immediately available to the school districts. There is no available information on the average amount of time between when a school district serves children from a new residence and when the school district receives tax money from that residence. (Staff Determination)
9. The Ravalli County Educational Transportation Committee has requested that the BCC require that developers establish a bus shelter and a turnout lane or turnaround, as appropriate, at subdivision entrances to County-maintained roads. (Exhibit A-6)
10. *To mitigate the impacts of the subdivision on the School District, the following conditions could be met:*

- *The applicant shall negotiate a contribution with the BCC, in consultation with the Florence-Carlton School District, if possible. (Condition 7)*
- *Prior to final plat approval, the applicant shall work with the Florence-Carlton School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed off of Jenne Lane, a private road. The applicant shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are necessary, the applicant shall complete the improvements prior to final plat approval. (Condition 11)*

Water and Wastewater Districts

11. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Gunshy Ridge II Subdivision Application)

Law Enforcement and County Emergency Services (Sheriff, E-911, DES)

12. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Gunshy Ridge II Subdivision Application)
13. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on January 14, 2008, but no comments have been received from the Sheriff's Office. (Gunshy Ridge II Subdivision File)
14. The average number of people per household in Ravalli County is 2.5. (Census 2000)
15. The applicant has yet to propose a contribution to mitigate the impacts of the estimated addition of 50 people on Public Safety Services. (Gunshy Ridge II Subdivision Application)
16. *To mitigate impacts on Ravalli County Public Safety Services, Staff recommends the applicant negotiate a contribution with the BCC, to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Condition 8)*

Ambulance Services

17. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department and/or Missoula Emergency Services. Marcus Daly and Missoula Emergency Services were contacted on January 14, 2008, but no comments have been received to date. (Gunshy Ridge II Subdivision File)
18. *To mitigate impacts on emergency services, the subdivider shall provide evidence with the final plat submittal that they have applied for a County-issued address for each lot within the subdivision. (Condition 4)*

Solid Waste Services

19. Bitterroot Disposal provides solid waste service to this site. (Gunshy Ridge II Subdivision Application)
20. Notification letters were sent to Bitterroot Disposal requesting comments on January 14, 2008, but no comments have been received. (Gunshy Ridge II Subdivision File)

Utilities

21. The proposed subdivision will be served by Ravalli Electric Coop and Qwest Communications. (Gunshy Ridge II Subdivision Application)
22. Notification letters were sent to both utility companies requesting comments on January 14, 2008. No comments were received by Ravalli Electric Coop. (Gunshy Ridge II Subdivision File)
23. Qwest submitted comment on May 9, 2005, stating that they could provide service. (Gunshy Ridge II Subdivision Application)
24. *The following requirements will mitigate impacts of the subdivision on local utilities:*
 - *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
 - *The applicant shall submit utility availability certifications from Ravalli Electric Coop and Qwest Communications prior to final plat approval. (Final Plat Requirement 16)*

Roads – Off Site

25. It is estimated that this subdivision will generate an additional 152 trips per day. (Gunshy Ridge II Subdivision Application)
26. The applicant is proposing access via Eastside Highway, Eight Mile Creek Road, Jenne Lane, and the proposed internal roads. Access may also be provided at some point in the future via Heaven's Way, Hidden Valley Road North, and Hidden Valley Road, but this access will not be possible until the developer of the Remington Ridge Subdivision completes the construction of Heaven's Way. (Gunshy Ridge II Subdivision Application)
27. Eastside Highway is a State-maintained highway that provides legal and physical access.
28. Eight Mile Creek Road is a county-maintained road that provides legal and physical access. (Exhibit A, RCSR)
29. Jenne Lane is a privately-maintained road that has been confirmed by the Ravalli County Road and Bridge Department (RCRBD) as meeting County standards for this subdivision (Gunshy Ridge II Subdivision Application).
30. An existing 60-foot-wide public road and utility easement is provided along Jenne Lane, as recorded on the amended plat of Riverview Orchards, Block 6, Lot 6-A (AP 541015), and on the plats of the Gunshy Ridge, Gunshy Ridge II, Gunshy Ridge III and Elk Run subdivisions. (Gunshy Ridge II Subdivision File)
31. The applicant is proposing to extend Jenne Lane from where it currently ends to the eastern boundary of the property to meet county standards. (Gunshy Ridge II Subdivision File)
32. The applicant has received preliminary approval of the road plans from the Road Department. (Exhibit A-1)
33. Since Jenne Lane is a privately-maintained road, a road maintenance agreement is required. (Section 3-1-5(a)(xxxviii), RCSR)
34. There is an existing road maintenance agreement for the portion of Jenne Lane from Eight Mile Creek Road to Riley Lane that was filed as part of the Gunshy Ridge Subdivision. There is an existing road maintenance agreement for the portion of Jenne Lane from Riley Lane to Heavens Way that was filed as part of the Gunshy Ridge III Subdivision. (Staff Determination)

35. Currently, there is no road maintenance agreement for the portion of Jenne Lane from Heavens Way to the last proposed access for the Gunshy Ridge II Subdivision. (Staff Determination)
36. The applicant has submitted an annexation amendment to the existing Gunshy Ridge Homeowners Association which includes road maintenance of Jenne Lane from Eight Mile Creek Road to Heavens Way. In addition, the applicant has submitted a preliminary road maintenance agreement for the Gunshy Ridge II proposal for Jenne Lane from Heavens Way to the eastern property boundary of the proposed development. (Gunshy Ridge II Subdivision Application)
37. *Prior to final plat approval, the applicant shall provide evidence from the Road and Bridge Department that the extension of Jenne Lane has been built to required specifications, as preliminarily approved. (Final Plat Requirement 15)*
38. *The applicant shall provide a road maintenance agreement(s) for Jenne Lane that meets the provisions in Section 3-1-5(a)(xxxviii) of the RCSR prior to final plat approval. Since there is an existing road maintenance agreement(s) for the portion of Jenne Lane leading to the Gunshy Ridge Subdivision and the Gunshy Ridge III Subdivision, the applicant shall submit documentation that Gunshy Ridge II has annexed into the existing road maintenance agreement(s). The applicant will need to provide an additional road maintenance agreement for the portion of Jenne Lane from Heavens Way to Alysa Court. This road maintenance agreement shall state that the other parcels which may have beneficial use of the portion of Jenne Lane from Heavens Way to Alysa Court shall be allowed to join as members of the agreement without the consent of the current members once connecting roads are developed within the easements. (Condition 13)*
39. *The applicant is required to pay the pro rata share of the cost to improve Eight Mile Creek Road to meet County standards. (Requirement 23)*

Roads – Internal Roads

40. The applicant is proposing to improve the internal roads to meet County standards. The Road Department has granted preliminary approval of the road plans. (Exhibit A-1)
41. The applicant is proposing 60-foot wide public road and utility easements for the internal subdivision roads. (Gunshy Ridge II Subdivision Application)
42. The applicant has submitted a road maintenance agreement for the internal subdivision roads that meets the requirements as set forth in the RCSR. (Gunshy Ridge II Subdivision Application)
43. *Prior to final plat approval, the applicant shall provide evidence from the Road and Bridge Department that the internal roads have been built to required specifications, as preliminarily approved. (Requirement 15)*
44. *The applicant shall provide a final road maintenance agreement for the internal subdivision roads and a notification of that road maintenance agreement prior to final plat approval. (Condition 1 and Requirement 17)*
45. *Stop signs and road name signs shall be installed at the intersection of all internal roads prior to final plat approval. (Final Plat Requirement 22)*

Miscellaneous

46. *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Condition 3)*

Postal Service

47. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS (Exhibit A-7).
48. *To mitigate impacts on local services, the subdivider shall provide evidence that plans for a Collection Box Unit (CBU), including location of the box and specifications have been approved by the local post office prior to final plat approval. (Condition 9)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on local services.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Air Quality

1. In an email dated December 31, 2007, the Montana Department of Environmental Quality (DEQ) identified the Hamilton and Missoula areas as communities with a high probability of failing to meet the recently revised National Ambient Air Quality Standards for particulate matter. Sources of particulate from this subdivision could be vehicles, and/or wood-burning stoves. There are no gravel roads accessing the subdivision. (Exhibit A-8)
2. *To mitigate impacts on air quality, a recommendation for EPA-certified wood stoves shall be included in the covenants. (Condition 2)*

Ground Water Quality

3. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Gunshy Ridge II Subdivision Application)
4. In an email dated September 19, 2007, Larry Schock of the DNRC stated that the applicant should consider a community water system for a subdivision of this density. (Exhibit A-10)
5. *The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

Drainage Feature

6. There is a drainage feature that traverses through the western portion of the subject property. There are slopes greater than 25% associated with the drainage. (Gunshy Ridge II Subdivision Application)

7. The applicant is proposing no-build/alteration zones on the slopes greater than 25%. (Gunshy Ridge II Subdivision Application)
8. FWP recommended a 50-foot wide no-alteration zone on either side of the centerline of the drainage and riparian covenants. (Exhibit A-9)
9. The centerline of the drainage forms the western boundary of the proposed subdivision? (Staff Determination)
10. The applicant is proposing a no-build/alteration zone within 50 feet of the western property boundary or the centerline of the drainage. (Gunshy Ridge II Subdivision Application)
11. *To mitigate the impacts of this subdivision on the drainage feature, the applicant shall place a no-build/alteration zone on slopes greater than 25%. (Conditions 2 and 11)*
12. *The applicant shall also place a no-build/alteration zone within 50 feet of the western property boundary or the centerline of the drainage. The applicant shall include riparian covenants that apply to the area within 50 feet of the drainage centerline. (Conditions 2 and 11)*

Light Pollution

13. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association, www.darksky.org)
14. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

Vegetation

15. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Spotted Knapweed was scattered on the property. The subdivider has proposed a provision in the covenants that the owners of each lot control noxious weeds. (Gunshy Ridge II Subdivision Application)
16. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
17. The Montana Natural Heritage Program found that there were no plant species of concern within the same sections as the subject property (Gunshy Ridge II Subdivision Application).
18. *To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Archaeological Resources

19. There are no known sites of historical significance on the property. (Gunshy Ridge II Subdivision Application)

20. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the developer will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

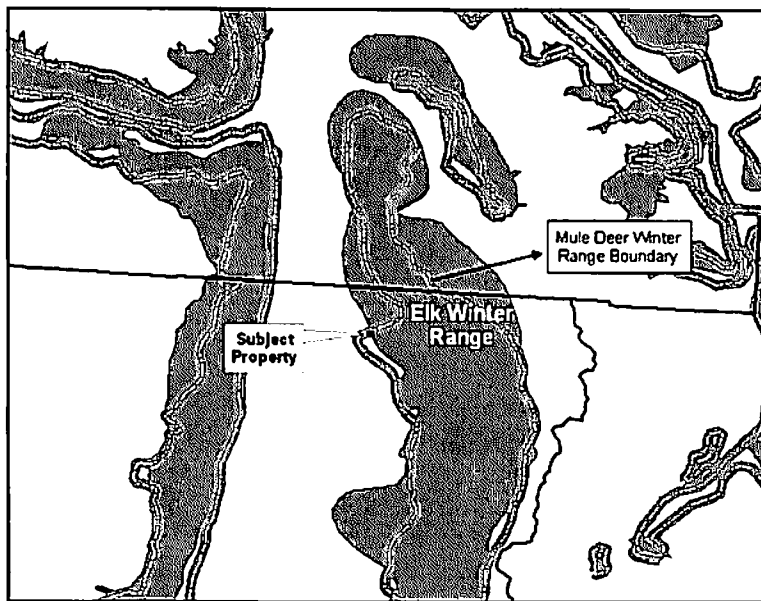
Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

Map 2 shows elk and mule deer winter range boundaries in relation to Gunshy Ridge II at a scale of 1:250,000. The data was created by FWP and the Rocky Mountain Elk Foundation at a scale of 1:250,000 and should not be used at a larger scale (zoomed in closer to Gunshy Ridge II). At this scale, the entire property is located within mule deer winter range and about half of the property is within elk winter range.



Map 2: Elk and Mule Deer Winter Range
(Source Data: FWP)

Although the property is located within big-game winter range, FWP stated that it is located approximately 2.5 miles west of the forested foothills and is not heavily used by wintering elk. (Gunshy Ridge II Subdivision Application)

FWP recommended living with wildlife covenants for the property. (Gunshy Ridge II Subdivision Application)

According to the Montana Natural Heritage Program (MNHP) in April of 2007, the Townsend's Big-eared Bat was identified as a species of concern as they have been known to exist in the same section as the proposed subdivision. (Gunshy Ridge II

Subdivision Application)

The subdivider submitted and was granted a waiver from completing a sensitive species report because the subdivider provided evidence that the subject property does not have habitat that would support the species in question. (Exhibit A-11)

To mitigate impacts on wildlife, the covenants shall include a living with wildlife section. (Condition 2)

Conclusion of Law:

With the mitigating condition of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. The subject property is accessed by Eastside Highway, Hidden Valley Road, Hidden Valley Road North, Heaven's Way, and the proposed internal road system. (Gunshy Ridge II Subdivision Application)
2. In a letter dated May 21, 2008, Bob Cron of the Ravalli County park Board recommended that the applicant pay cash-in-lie of parkland and in addition provide a five-foot wide asphalt pedestrian trail from Lots 13 and 14 to the junction of Jenne Lane and Heavens Way, as part of a transportation system for the safety of children and walking adults. (Exhibit A-2)
3. *The applicant shall construct a minimum five-foot wide pedestrian trail from Lots 13 and 14 to the junction of Jenne Lane and Heavens Way. The trail shall be constructed using control density fill. (Condition 13)*
4. *The requirements and conditions listed under Roads and dealing with transportation in association with schools in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

5. The proposed subdivision will be served by the Florence Rural Fire Department, the Ravalli County Sheriff's Office, Ravalli County E-911, the Ravalli County Department of Emergency Services, Marcus Daly Memorial Hospital EMS Department, and Missoula Emergency Services. (Gunshy Ridge II Subdivision Application)
6. This proposal will add approximately 50 people to Ravalli County. (Census 2000)
7. *The requirements and conditions listed under Fire District, Law Enforcement and County Emergency Services, Ambulance Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

8. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Gunshy Ridge II Subdivision Application)
9. *The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Requirement 9)*

Natural and Man-Made Hazards

10. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
11. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
12. *To mitigate impacts on public health & safety, the covenants shall include a statement regarding radon exposure. (Condition 2)*
13. The preliminary plat and soils map indicate that the subdivision may have soils rated as "Very Limited" for road and building construction. (Gunshy Ridge II Subdivision Application)
14. To educate property owners and to mitigate potential impacts of this subdivision on Public Health & Safety, a notification of the potential for "Very Limited" soils shall be included in the notifications document filed with the final plat. A reduced plat showing the approximate locations of soils rated as "Very Limited" for roads and building construction and descriptions of the soils in question shall be attached to the notifications document as an exhibit. (Condition 1)
15. The preliminary plat shows that all lots have steep slopes (greater than 25%), which are required to be identified as a no build/alteration zone on the final plat. In order to mitigate impacts on Public Health & Safety, notification of the no-build/alteration zone shall be included in the notifications document and the no-build/alteration zone shown on the final plat. (Condition 1)
16. In a letter dated September 19, 2007, Larry Schock of the DNRC recommended that a floodplain evaluation be completed for the Jenne Lane crossing at Eight Mile Creek. The Ravalli County Subdivision Regulations state that a floodplain analysis is required when any portion of the subdivision is within 1,000 horizontal feet of a stream draining an area of 15 square miles or more and no official floodplain designation has been adopted. Eight Mile Creek does not lie within 1,000 horizontal feet of the proposed subdivision, thus a floodplain analysis was not required. (Section 3-1-5(a)(xl), RCSR)

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

Commissioner Grandstaff opened public comment.

Gordon Sorenson stated by paying the pro rata they have met the requirements for the road. He stated they would like to see just the Eight Mile Road portion be taken out of the RSID waiver. The Florence Fire Department provided a comment letter. He read the letter to the Board. He stated the accepted mitigation for the fire district is \$500 per lot.

Kirby stated there has been some requested mitigation. He agreed on behalf of his clients to pay \$500 per lot for the Florence Fire District. He stated they also offer \$500 per lot

for Public Safety and \$500 per lot for the school district. Kirby stated he will discuss further mitigation as this review progresses. He then discussed the impact to Eastside Highway. He stated the total will be \$90,000 for mitigation for the subdivision as a whole. Kirby proposed cash in lieu of park land dedication upon completion of an appraisal.

Gordon stated Commissioner Rokosch requested him to review the comments by Larry Schock regarding central water. Public water is not feasible for a subdivision of this caliber. The density is not high enough for the transmission system to be feasible. The water is going to be drawn from the Bitterroot deep-filled basin and it yields 10 gallons per minute. He discussed the demands on water usage. He presented the Board with information pertaining to Larry Schock's comments regarding a floodplain analysis on Eight Mile Creek. He stated there was a question of the culvert handling a 100 year flood. This culvert holds 344 c.f.s. with about a foot of inlet into the pipe. The road will overtop at 490 c.f.s. Therefore, the culvert will handle it.

Commissioner Grandstaff requested any further public comment, hearing none, then closed public comment. She opened board deliberations.

Commissioner Rokosch discussed the request to remove Eight Mile Road from the RSID waiver. He recommended not doing it. He stated the neighborhood may want to make improvements to the road. Commissioner Grandstaff agreed with Commissioner Rokosch. Commissioner Chilcott stated the concern is the Eight Mile Road portion not Jenne Lane. He stated there has been previous discussion regarding the road in other subdivisions. Tristan stated the language in the RSID waiver states "improving or maintaining the roads accessing the subdivision".

Commissioner Driscoll questioned the planning board minutes, specifically a discussion relating to staff imposed covenants and their applicability. Tristan summarized the discussion that was held by the planning board. Commissioner Thompson stated it is for people in an advisory capacity. Commissioner Rokosch stated he reviewed the recommended covenants.

1. Effects on Agriculture: Commissioner Rokosch questioned the soil types for this subdivision. He asked which ones are considered of local importance. Tristan replied he reviewed soils of prime farmland and statewide importance only. Commissioner Rokosch asked about the map of soils. Tristan stated when he processes the reviews, he pulls the most recent data for the soils from the NRCS Web Soil Survey. He stated there were no soils of prime farmland or statewide importance for this subdivision. Commissioner Rokosch stated he would need that information before making any decision regarding adequate mitigation for the loss of agricultural land.

Gordon stated he spoke to Roger Mikesell and he stated the land has not been farmed in the past decade. There is no production of record but Roger did do some hay production about ten years back. The soil is poor and very rocky. There is no chance of it being agricultural again and there is no record of production for the last ten years.

Commissioner Chilcott asked Tristan is there any portion of the property that has soils classified as prime farmland or statewide importance. Tristan replied no.

Commissioner Rokosch asked if there is any consideration about the future split of the large lot and if there is any mitigation for it. Kirby replied at this point there is no determination of development. It is his understanding they mitigate for the loss of prime farmland or statewide importance not local. He then offered a mitigation of **\$100 per lot for the loss of agricultural land.**

Commissioner Grandstaff, Commissioner Thompson, Commissioner Chilcott and Commissioner Driscoll voted sufficiently mitigated. Commissioner Rokosch abstained from vote due to lack of information for soils of local importance.

2. Effects on Agricultural Water Users: Commissioner Grandstaff stated since this is not an issue, no vote is required.

3. Effects on Local Services: Commissioner Grandstaff stated there is offered mitigation of **\$500 per lot for the Florence Fire District and \$500 per lot for Public Safety.** Commissioner Rokosch stated he has a problem with the offered mitigation for the school district. He pointed out Exhibits A-4 and A-5 demonstrating the cost of educating a student in Florence. Commissioner Rokosch stated there aren't any impact fees in place currently for the Florence District. Kirby questioned the mitigation. Commissioner Rokosch pointed out the lower table of Exhibit A-5 being the cost of educating a student in the Florence School District. Kirby questioned the timing of paying mitigation and the possibility of having the taxes in place when the students enter the school. After Board discussion, it was determined to calculate out at \$1,100 per household. Kirby requested a two minute recess to discuss it with his client. The Board agreed.

Kirby stated after speaking with his client, they offer **\$1,100 per lot to the Florence School District for mitigation.** Commissioner Grandstaff asked about the bus turnouts and shelter. Tristan replied the school buses are going to run through there and it is up to the school district to decide whether a bus turnout and/or shelter is appropriate. Gordon stated the buses will make a loop around Heaven's Way and come out on Eight Mile Road. He continued that a bus turnout will be constructed at the corner of Heaven's Way and Jenne Lane.

Commissioner Rokosch discussed the offered mitigation for Public Safety (OES, Sheriff and 9-1-1). He stated that there are other County services that are affected by new developments. He explained the impacts per unit for public services such as Clerk & Recorder. Kirby stated they will offer **\$100 per lot for the mitigation to General Public Services.**

Commissioner Grandstaff stated she agrees to leave the RSID language as it is. Commissioner Rokosch recommends including the information for the roads from the Lone Pine subdivision hearing. He stated the level of service for Eastside Highway was based on the delay time. The road directly to the east still has conflicting information for

the ADTs and the level of service. With the additional ADTs of this subdivision, it would negatively impact the level of service with increased traffic. He stated what is getting lost in the analysis are the ghost cars from the subdivisions. He stated his concerns are with the level of service and the impacts on the county to maintain the roads. Commissioner Chilcott stated the further out from town, the less trips per day. He stated when you live eight miles from town, you make less trips. Commissioner Grandstaff stated that discussion is purely theoretical.

Commissioner Grandstaff recapped the offered mitigation. **Commissioner Driscoll requested the paths be clearly stated on the plat.**

Commissioner Grandstaff, Commissioner Thompson, Commissioner Chilcott and Commissioner Driscoll voted sufficiently mitigated. Commissioner Rokosch voted not sufficiently mitigated.

4. Effects on Natural Environment: Commissioner Grandstaff requested EPA certified woodstoves and they be used as a secondary heating source only. Kirby stated his client agrees to those requests. Commissioner Grandstaff discussed the full cut-off lighting and asked to make it a requirement. Kirby stated if it is not already in the proposed covenants as a requirements, they will make sure it is added.

All Commissioners voted sufficiently mitigated.

5. Effects on Wildlife and Wildlife Habitat: Commissioner Grandstaff questioned the comments to the subdivision being within the elk winter range. Tristan stated the comments from Fish, Wildlife and Parks stated it is in the location of the range but not in heavy use. Commissioner Rokosch stated he is concerned with the impact to the winter range and the activity of human habitation. He would like some direction from the agencies. Commissioner Grandstaff stated she agrees with Commissioner Rokosch and will request that information from Staff.

Commissioner Grandstaff, Commissioner Thompson, Commissioner Chilcott and Commissioner Driscoll voted sufficiently mitigated. Commissioner Rokosch abstained from vote due to inadequate information regarding the impacts to the elk winter range.

6. Effects on Public Health and Safety: Commissioner Rokosch stated they did review the traffic safety issue. He referenced the earlier comment from the Sheriff's Office for emergency vehicle response time. He further discussed the offered mitigation for the impacts to public health and safety and whether or not they are adequate.

Commissioner Grandstaff, Commissioner Thompson, Commissioner Chilcott and Commissioner Driscoll voted sufficiently mitigated. Commissioner Rokosch abstained from vote due to inadequate information regarding the impacts to Public Health and Safety.

Commissioner Chilcott made a motion to approve Gunshy Ridge II Major Subdivision based on findings of fact and conclusions of law in the Planning Staff Report and as mitigated here today to also include a decision to accept park land dedication cash in lieu when an appraisal is complete. Commissioner Driscoll seconded the motion.

Discussion: Commissioner Rokosch requested all mitigation be payable upon final plat. The Board agreed. All voted 'aye'.

► Commissioner Driscoll attended TAC meeting at 10:30 a.m.

► Commissioner Driscoll attended Planning Enhancement Project meeting & update in the afternoon.